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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,817	02/24/2004	Yong Cheol Park	46500-000120/US	1150
30593	7590	08/20/2009	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			ALUNKAL, THOMAS D	
			ART UNIT	PAPER NUMBER
			2627	
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			08/20/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/784,817	PARK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	THOMAS D. ALUNKAL	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 April 2009.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 25,31,34 and 37-54 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 34,41,42,45,49-51 and 54 is/are allowed.  
 6) Claim(s) 25,31,37-40,43,44,46-48,52 and 53 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/6/09 has been entered.

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 4/6/09, with respect to pending claims 25, 31, 34, and 37-54 have been fully considered and are persuasive. The previous grounds of rejection have been withdrawn.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 25, 31, 37-40, 43-44, 46-48, and 52-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 25, this claim recites "a second management area storing a latest first data block recorded in the first management area when no further

recording can be made on the computer readable medium". It is unclear how the second management area stores a latest data block if "no further recording can be made on the computer readable medium". More specifically, the computer readable medium is inclusive of all recordable areas of the medium. Therefore, if "no further recording can be made on the computer readable medium", then the second management area would be unable to store the latest first data block. Claims 31, 46, 48, 52, and 53 recite substantially similar limitations to the above recited limitation of claim 25 and are also rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Additionally, dependent claims 37-40, 43-44, 47 are also rejected for being dependent from rejected, indefinite claims. Appropriate correction is required.

#### ***Allowable Subject Matter***

Claims 34, 41, 42, 45, 49, 50, 51, and 54 are allowed.

The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claims 34 and 49.

Regarding claim 34, the prior art taken either singularly or in combination fails to anticipate or fairly suggest a method of reproducing data from a recording medium, the recording medium including a data area having a user area and a non-user area, the user area including a plurality of recording-units, the method comprising: reproducing at least a portion of data recorded on the recording medium based on a first data block including a plurality of sectors and a second data block including a plurality of sectors

recorded in a first management area of the recording medium when further recording can be made on the recording medium, the first management area being a temporary defect management area, the first data block including first information including recordation status indicating whether or not each recording unit of the user area has recorded data and the second data block having second information including a defect list, ***wherein respective last sectors of the first and second data blocks include third information including a first pointer pointing to an address where the latest information is recorded and a second pointer pointing to an address where latest second information is recorded***; and reproducing at least a portion of data recorded on the recording medium based on a first data block in a second management area of the recording medium when no further recording can be made on the recording medium, the second management area being a defect management area, wherein the first data block recorded in the second management area is based on a latest first data block recorded in the first management area.

Independent claim 49 is drawn to the apparatus for reproducing corresponding to the method of reproducing the same recited in claim 34 and is allowed for the reasons provided above.

Dependent claims 41, 42, 45, 50, 51, and 54 are allowed with their respective base claims.

Claims 25, 31, 37-40, 43-44, 46-48, and 52-53 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hwang et al. (US PgPub 2004/0076096) discloses a method and apparatus for managing disc defects using temporary defect management information. Gotoh et al. (US 6,581,167) discloses an information recording medium, information recording method, and information recording/reproduction system. Takahashi (US 5,914,928) discloses an information recording disk having a replacement area. Ueda et al (US PgPub 2001/0026511) discloses an information recording medium. Ito et al. (US 6,160,778) discloses an information recording medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS D. ALUNKAL whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas D Alunkal/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627